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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,828	09/28/2006	Rainer Opolka	23500	8329
535	7590	01/09/2008	EXAMINER	
K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

7/1

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/594,828	OPOLKA, RAINER
	<b>Examiner</b>	<b>Art Unit</b>
	Lee Y Quach	2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 9, 14, 19 and 22 is/are rejected.
- 7) Claim(s) 6-8, 10-13, 15-18, 20 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "the contacts provided in a plug/jack connection in the flashlight housing" as claimed in claim 8, the feature of "an optical waveguide" as claimed in claim 20, the feature of "the body pivoted in the package or on an inserted view card" as claimed in claim 21, and the feature of "an inserted view card" as claimed in claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: Page 15, line 12, the reference numeral "14" is inaccurate and should be changed to --24--. Page 15, lines 24 to 25, the language "... it is in is closed" is not understood. Page 20, lines 24 to 25, the language "that s that is" is improper. The above language is only cited as examples of the numerous language or grammatical errors which appear throughout the specification. Applicant is required to amend the specification to reflect proper English usage.

4. The specification is objected to as failing to provide proper antecedent support for the claimed subject matter of claim 21. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

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of the following is required: The body provided such that it can be pivoted in the package or on the holder or on an inserted view card.

#### ***Claim Objections***

5. Claims 1 to 22 are objected to because of the following formalities:

In claims 1 to 8, 10 to 13 and 15 to 21, the language "characterized in that" does not conform to the U.S. standard practice. It is suggested that it should be changed to --wherein--.

In claim 1, there are no clear antecedent bases for "the on/off switch", "the package lamp", "the flashlight battery" and "the light source". The reference numeral "12" is represented by three separate terms, "a lamp" on line 2, "the flashlight" on line 5 and "the packaged lamp" on line 8. The terms "externally actuated" and "external" lack a clear frame of reference, where is the internal as opposed to the external?

In claim 5, there are no clear antecedent bases for "the parallel line" and "the housing".

In claim 6, there is no clear antecedent basis for "the parallel line".

In claim 7, there are no clear antecedent bases for the battery compartment" and "the flashlight housing".

In claim 9, there is no clear antecedent basis for "the locked positioned". Also, the term "lamp" is represented by a reference numeral "10" different from the reference numerals representing the lamp in claim 1.

In claims 9 and 14, the language "characterized by" does not conform to the U.S. standard practice. It is suggested that it should be changed to --comprising-- or --wherein--.

In claims 10 and 11, there is no clear antecedent basis for "the relaxed state".

In claim 13, there is no clear antecedent basis for "the package material".

In claim 14, the term "externally actuated" lacks a clear frame of reference, where is the internal as opposed to the external? There is no clear antecedent basis for "the contact closure".

In claim 15, there are no clear antecedent bases for "the first end" and "the second free end".

In claim 16, there are no clear antecedent bases for "the first end", "the central part" and "the second end". The terms "externally actuated" and "outward" lack a clear frame of reference, where is the internal as opposed to the external and the inward as opposed to the outward?

In claim 18, the term “outward” lacks a clear frame of reference, where is the inward as opposed to the outward?

In claim 19, there is no clear antecedent basis for “the light output opening”.

Claims 2 to 4, 8, 12, 17 and 20 to 22 depend on objected claim 1 and as such are also objected.

Appropriate correction is required.

6. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim 7. In view of claim 7, the contacts are provided in a cap shaped lid that is removably screwed to a back side of the flashlight housing while in claim 8, the contacts are provided in a plug/jack connection in the flashlight housing. Applicant is required to cancel the claim or amend the claim to place the claim in proper dependent form.

#### ***Claim Rejections - 35 USC § 112***

7. Claims 1 to 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. It is not clear how the package or the holder, the pocket or the fastening means, the lamp, the battery operated flashlight, the on/off switch or the means for actuating a pressure switch or an external switch, the flashlight battery, the light source, the wiring, the parallel wire, the parallel line, the break points, the contacts, the cap shaped lid, the battery compartment, the flashlight housing, the plug jack connections, a pressure element, a traction or pressure element, blister package, an inserted view card ... are situate and structurally connected with respect to one another such that there is a functioning apparatus? See MPEP § 2172.01.

8. Claims 4 to 6, 9, 12, 14, 15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, the term “parallel wire” does not have a clear meaning within the context of the claim.

In claim 5, the language “parallel line is connected to the electric circuit of the flashlight via break points” does not have a clear meaning within the context of the claim.

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In claim 6, the language "the parallel line is removably connected via contacts ..." is not understood.

In claims 9 and 14, it is not clear how the pressure switch being locked without connected to any element or mechanical element.

In claim 12, the language "the spring body lies loosely in the package" is not understood. Since the spring body lies loosely in the package, it is not clear how the spring body connected to any feature in the package including the electrical connections to properly operate the lamp.

In claim 14, the term "push-in travel" is not understood.

In claim 15, it is not clear how can the first end of the cord be attached to the package while the second end projects from the package?

In claim 22, the language "preferably with an inserted view card" does not have a clear a meaning within the context of the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Goad.

Goad shows a package or a holder (12) with a pocket or a fastening means (18) for a battery operated flashlight (10), and a freely accessible on/off switch (11) of the flashlight. Note that the claim recites alternatively limitations, all Goad needs to meet this claimed language is to satisfy one of the limitations.

11. Claims 1, 2, 4, 5, 9, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Quakenbush.

Note that the claims recite alternatively limitations, all Quakenbush needs to meet the claimed language is to satisfy one of the limitations

Quakenbush shows a package or a holder (32) with a pocket for a battery operated flashlight (10), a freely accessible on/off switch comprising means for actuating a pressure switch (22) that can be externally actuated, an external switch (62) that is separated from the flashlight that is part of an electric circuit containing a flashlight battery (52, 54) and a light

source (40) with wiring (56, 60) provided in the package or the holder, the external switch separated from the flashlight provided in a cavity (drawing figure 3, the switch is in the opening of the package 32) of the package, the wiring with the external switch that is separated from the flashlight bypassing the pressure switch belonging to the flashlight as a parallel wire (the flashlight can optionally be operated independently by the pressure switch or the external switch), the parallel wire connected to the circuit of the flashlight via break points (a break point between 64 and 60 and between 60 and conducting portion of 40) provided in the housing of the flashlight (60 is inside the flashlight and 64 pushing 60 is located inside the flashlight as the circuit closed), the pressure switch for switching the flashlight on and off consisting an elastic spring body (82) that is movable by an external actuation such as a pressure element (83) against a spring force and movable on actuation of the body to a first position with contact closure for a closed circuit to lock when further pushed in and fix the contact closure and to interrupt the contact closure when pushed again, and a body (46) in front of a light output opening to disperse the exiting light beams.

12. Claims 1 to 3, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinclair.

Note that the claims recite alternatively limitations, all Sinclair needs to meet the claimed language is to satisfy one of the limitations

Sinclair shows a package or a holder (22) with a pocket for a lamp such as a light source (34, 34') in particular a battery operated flashlight, a freely accessible external on/off switch comprising means for actuating a pressure switch (35) that can be externally actuated and is separated from the lamp (the switch is a separate component and not physically contacted with the lamp) and is part of an electric circuit containing a flashlight battery (32) and the light source with wiring (36, 37, 38 and 39) provided in the package or the holder, the external switch separated from the lamp provided in a cavity of the package (the internal space within the package 22), wherein the external switch that is separated from the lamp is a momentary contact pushbutton switch that only closes the circuit as long as the momentary contact pushbutton switch is pressed (column 4, line 67 to column 5, line 1), a body (63) in front of a light output opening of the lamp to disperse the exiting light beams, and the package designed as a blister package (figures 2 and 5). With regards to the limitation of “preferably with an inserted view

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card", since there is no structure associated with a lamp being used solely for or with an inserted view card, therefore the language "preferably with an inserted view card" conveys intended use in the claim, no patentable weight is given thereto.

13. Claims 6 to 8, 10 to 13, 15 to 18, 20 and 21 would be allowable if rewritten to overcome the rejection and objection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chamberlin is cited to show a mirror in front of the light beams and Robinson is cited to show a cord connected to a spring lever and a tongue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.  
January 4, 2008

*Y. Quach Lee*  
Y Quach Lee  
Primary Examiner  
Art Unit 2885